

CHAPTER 88

TAXATION

HOUSE BILL 20-1175

BY REPRESENTATIVE(S) McKean and Valdez D., Arndt, Van Winkle, Woodrow;
also SENATOR(S) Tate, Moreno, Woodward, Zenzinger.

AN ACT

CONCERNING MODIFICATIONS TO CERTAIN TAX STATUTES IN ORDER TO ADDRESS DEFECTS AND ANACHRONISMS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 39-21-113, **amend** (6) as follows:

39-21-113. Reports and returns - rule. (6) Except as OTHERWISE provided in ~~subsections (5), (7), (8), (9), and (10)~~ of this section, any person who violates any provision of subsection (4) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, and, if the offender is an officer or employee of the state, he OR SHE shall be dismissed from office.

SECTION 2. In Colorado Revised Statutes, 39-21-119.5, **amend** (2)(c), and (4)(e); **repeal** (2)(j) and (2)(k); and **add** (4)(g), (4)(h), and (4)(i) as follows:

39-21-119.5. Mandatory electronic filing of returns - mandatory electronic payment - penalty - waiver - definitions. (2) Except as provided in subsection (6) of this section, the executive director may, as specified in subsection (3) of this section, require the electronic filing of returns and require the payment of any tax or fee due by electronic funds transfer for the following:

(c) Any ~~annual statement of wage withholding required to be filed or~~ remittance of wage withholding required to be made by an employer pursuant to section 39-22-604 THAT IS NOT ALREADY REQUIRED TO BE REMITTED ELECTRONICALLY PURSUANT TO SUBSECTION (4)(g) OF THIS SECTION;

(j) ~~Any cigarette excise tax return required to be filed and payment required to~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

~~be made pursuant to section 39-28-104;~~

~~(k) Any tobacco products excise tax return required to be filed and payment required to be made pursuant to section 39-28.5-106;~~

(4) Except as provided in subsection (6) of this section, on and after August 2, 2019, electronic filing of returns and the payment of any tax or fee by electronic funds transfer is required for the following:

(e) Any retail marijuana excise tax return required to be filed and payment required to be made pursuant to section 39-28.8-304; ~~and~~

(g) ANY REMITTANCE OF WAGE WITHHOLDING REQUIRED TO BE MADE PURSUANT TO SECTION 39-22-604 BY AN EMPLOYER WHOSE ANNUAL ESTIMATED WAGE WITHHOLDING TAX LIABILITY EXCEEDS FIFTY THOUSAND DOLLARS;

(h) ANY CIGARETTE EXCISE TAX RETURN REQUIRED TO BE FILED AND PAYMENT REQUIRED TO BE MADE PURSUANT TO ARTICLE 28 OF TITLE 39; AND

(i) ANY TOBACCO PRODUCTS EXCISE TAX RETURN REQUIRED TO BE FILED AND PAYMENT REQUIRED TO BE MADE PURSUANT TO ARTICLE 28.5 OF TITLE 39.

SECTION 3. In Colorado Revised Statutes, 39-29-112, **amend** (2) as follows:

39-29-112. Procedures and reports. (2) Every corporation subject to taxation under ~~the provisions of this article~~ ARTICLE 29 shall make a declaration and payment of estimated tax if the tax imposed by this ~~article~~ ARTICLE 29 for the taxable year can reasonably be expected to exceed ~~one thousand~~ FIVE THOUSAND dollars. Such declaration and payment shall be made to the department of revenue, separate and apart from other returns required under ~~the provisions of articles 20 to 28 of this title~~ TITLE 39, upon a form prescribed by the executive director. Such declaration shall be filed with and payment made to the department of revenue in accordance with the provisions of section 39-22-606.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 27, 2020